O. F. 71 & 72—658,414—21-11-29

C.F. 71 & 72

1933

Department of L R & Let

OFFICE Board of Revenue

STATION Madras

Misc No. 2141
3101

B 6163-33

Dated 10-11-33

To whom sent	Date	Initial
	Given for copying	
	Copied	
	Examined	
	Signed	
	Given for despatch	
	Despatched	
	Indexed	
Pages in the file	To be destroyed on*	

(SUBJECT.)

Laws. (South Kanara). Mangalore Municipal Council - Road margin lease to the Mangalore Electric Supply Company Ltd. Orders passed. G.O. recorded

* Not to be filled in in the case of permanent records.

RS - 6163

BOARD OF REVENUE
7 NOV 1933
LAND REVENUE AND SETTLEMENT

GOVERNMENT OF MADRAS

Revenue Department.

SECY.
7-NOV 1933

Endorsement No. 4365 F/33-1 dated 4th November 1933.

Read: Local Self Government (L. & M.) Department, G.O. No. Ms. 4576 L & M dated 31-10-1933.

Communicated to the Board of Revenue (Land Revenue and Settlement).

T.N.S. Raghavan,
Under Secretary to Govt.

To the Board of Revenue (Land Revenue & Settlement). with encl.

Forwarded
/By Order/

V. Narasimhan
Superintendent.

Res mis 3101 dt 10.11.33
SRM. 4.11.33.

Recorded
10/11/33

Secy
9.11.33

Received.....1933. Registered.....1933.

Abstract.

LAND Mangalore Municipal Council - Lease of road-margin to the Mangalore Electric Supply Company Limited - Orders passed.

Local Self Government Department.
G.O.No.M.4010 L & M., dated the 31st October 1933.

Read the following:-

From the Collector of South Kanara. Ref.No.2708-33.
dated 1st June 1933.
-do-
dated 27-7-1933.

O R D E R:-

The attention of the Collector of South Kanara is invited to the instructions regarding the occupation of street and road margins issued in paragraphs 2 and 3 of G.O.No.991 & M., dated 15th April 1924 (published in notification No.562 on pages 200 and 201 of Part I-A of the Fort St. George Gazette dated 3rd June 1924). In view of the above instructions he should not have sanctioned the lease by the Municipal Council of the plot in question for the construction of a permanent structure. As the plot is evidently not required for road purposes, the proper course to be followed is for Government to withdraw it from the control of the council under Section 61(2) of the Madras District Municipalities Act and to assign or lease it direct to the company. As no lease deed has yet been executed, the Collector is requested to withdraw the sanction already accorded by him and take action in the manner indicated above.

(By Order of the Govt., Ministry of Local Self Govt.)

S.G.,Sengodaiyan,
Deputy Secretary to Government.

To the Collector of South Kanara.
" Revenue Department.

F o r w a r d e d
(By Order)

Superintendent.

Copy of letter from the Collector of South Kanara, Ref-C.No.A-6-2708-33, dated the 1st June 1933, to the Secretary to Government, Local Self Government Department, Madras.

Land - Lease - Mangalore Taluk - Casba Bazaar village - T.S. No.24/1 Portion - 308 sq. feet - 20 years period from 1st January Mangalore Electric Supply Co., Ltd., construction of a sub station - objection to clauce 4 (3) in the lease deed - deletion - requested.

The Mangalore Electric Supply Co., Ltd., have obtained on lease from the Mangalore Municipality a portion of T. S. No. 24/1 of Casba Bazaar village measuring 308 sq. feet, registered as road margin, for a period of 20 years from 1st January 1933 for the construction of a sub station building. A building has also been put up on the land. I have accorded sanction for the lease under rule 3(b) of the rules framed under G.O.4482, Local and Municipal, dated 17-11-27. The G.O. lays down that the lease deed shall be in Form No.III appended to it. But the Electric Company objects to the insertion of clause 4(3) which is identical with clause 4(2) of the specimen form in the lease deed to be executed by it to the Municipality, as the provision of that clause authorises either party to determine the lease on three calendar months' previous notice, frustrating thereby the chief purpose of the lease. The Company requests that this clause may be deleted or modified so as to ensure the Company full compensation for the expense of moving to another site in the event of the lease being determined by the Municipal Council before the expiration of the 20 years period.

2. The objection of the Company is reasonable, as an electric substation is obviously a permanent structure. The Company lays all its lines and connections with reference to the location of sub stations and any determination of the lease by the Municipality on three months' notice will not only dislocate its working

but also entail erection of a fresh sub station. There is no object in a ~~xxxtwenty~~ years' lease terminable at three months' notice in this case. I therefore request that in the special circumstances of this case the Electric Co., may be permitted to execute a lease deed to the Municipality without clause 4(2) of the specimen lease deed in Form No.III appended to G.O. No.4482, Local and Municipal, dated 17th November 1927.

Copy of Letter from the Collector of South Kanara, Ref.D.No.2708-33-A6, dated the 27th July 1933, to the Secretary to the Government of Madras, Local Self Government Department.

SUBJECT.

Land - Lease - Mangalore Taluk - Kasba Bazaar Village T.S.No.24/1 Portion - 308 Sq. feet - 20 years' period from 1-1-1933 - Mangalore Electric Supply Company, Ltd., - Construction of a substation - Objection to clause 4(3) in the lease deed - This office letter Ref.C.No.A6-2708-33, dated 1st June 1933 - Orders requested.

I request that early orders may be passed on my report quoted above.